

**~~PROPOSED~~ ORDER REGARDING INTUITIVE'S UNCLEAN HANDS DEFENSE AT TRIAL**

On June 11, 2024, the Court entered its Schedule and Pretrial Order, which required the Parties to serve any motions in limine by October 28, 2024. Dkt. 235 at Section II.B. On October 28, 2024, Plaintiff served on Defendant Plaintiff's Motion in Limine #2, through which Plaintiff "moves in limine to exclude all testimony, evidence, and argument regarding [Defendant's] First Affirmative Defense of Unclean Hands" from trial in this matter, on the basis that "[t]his evidence is irrelevant under Fed. R. Evid. 401 as a matter of law." On November 1, 2024, Defendant provided to Plaintiff a proposed stipulation to resolve Plaintiff's Motion in Limine #2.

The Parties now jointly stipulate and agree, and the Court so-orders, that Intuitive shall not present an unclean hands defense to the jury at trial, and will not seek to offer any argument, testimony, or other evidence in support of that defense at trial.

Nothing in this Order in any way limits, precludes, or prevents Intuitive from offering any argument, testimony, or other evidence that Intuitive may present with respect to its counterclaims, even if that evidence also may have been relevant to an unclean hands defense.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated November 25, 2024

BY THE COURT:



HON. ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge